

is a single hydroxyl group (i. e., only one of R₃ and R₄ or R₁ and R₂ is OH). Claim 1, the only independent claim among the eleven that remain in the application, requires that "... at least one of the pairs R₁,R₂ and R₃,R₄ are both OH." This means that compound I must have either both R₁ and R₂ be OH or both R₃ and R₄ be OH. Thus, none of claims 1-11 remaining in this application is anticipated by Waehaelae. The 35 U. S. C. § 102 rejection based upon Waehaelae is thus overcome.

The Examiner rejected claims 1, 2, 10, 12, 15 and 23 under 35 U. S. C. § 102. The Examiner relied upon Bulut, M., "Synthesis and Antioxidant Activity of Isoflavones and Isoflavanones," Chem. Abstracts, 118:124232 (1992) (hereinafter Bulut) to support this rejection. Again, claims 12-23 are cancelled without prejudice, rendering rejections of these claims moot.

As to claims 1, 2 and 10, Bulut does not disclose compounds in which at least one of the pairs R₁, R₂ or R₃, R₄ are both hydroxyl groups. Again, however, claim 1, the only independent claim among the eleven that remain in the application, requires that "... at least one of the pairs R₁,R₂ and R₃,R₄ are both OH." This means that compound I must have either both R₁ and R₂ be OH or both R₃ and R₄ be OH. Thus, none of claims 1-11 remaining in this application is anticipated by Bulut. The 35 U. S. C. § 102 rejection based upon Bulut is thus overcome. Clean copies of the claims remaining in this application after entry of this amendment are enclosed, beginning on a separate page. If the Examiner has any questions or comments that would speed prosecution of this case, he is encouraged to call the undersigned at 317-231-7285.

Applicant petitions for a one month extension of the period for response from April 16, 2003 to May 16, 2003. The Commissioner is hereby authorized to charge the fee for this petition, as well as any additional fees which may be necessary to render this a timely response, to Applicant's undersigned counsel's deposit account 10-0435 with reference to Applicant's undersigned counsel's file 127-67643. A duplicate copy of this authorization is enclosed for that purpose.

Respectfully submitted



Richard D. Conard
Attorney Reg. No. 27321
Attorney for Applicant

Indianapolis, Indiana
317-231-7285